

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TSHOMBE ANDERSON

§

v.

§

CIVIL ACTION NO. 5:22-CV-87-RWS-JBB

WARDEN, FCI-TEXARKANA

§

ORDER

Before the Court is Petitioner Tshombe Anderson's petition for writ of habeas corpus under 28 U.S.C. § 2241 complaining of the calculation of his sentence. Docket No. 1. The case was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636.

On July 24, 2024, the Magistrate Judge issued a Report recommending dismissal of the petition as moot. Docket No. 25. According to the Magistrate Judge, Petitioner "seeks release from confinement and early placement on supervised release, but he has already been released to supervised release; thus, the Court cannot provide the relief he seeks." *Id.* at 5. Because there is no relief which the Court can grant to Petitioner, and no possibility that this Court can alter Petitioner's period of supervised release, the Magistrate Judge concluded Petitioner's release from confinement to supervised release has rendered this petition moot. *Id.* The Magistrate Judge recommends the petition be dismissed on this basis. *Id.* at 6 (citing *Herndon v. Upton*, 985 F.3d 443, 446-47 (5th Cir. 2021)).

Petitioner acknowledged receipt of the Report on July 30, 2024. Docket No. 26. To date, no objections have been filed. Because no objections have been received, Petitioner is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate

review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 25) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned petition for writ of habeas corpus is **DISMISSED-AS-MOOT**.

So ORDERED and SIGNED this 4th day of September, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE